

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney
2 JOANN M. SWANSON (CSBN 88143)
Chief, Civil Division
3 MELANIE L. PROCTOR (CSBN 228971)
Melanie.Proctor@usdoj.gov
4 Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
6 Telephone: (415) 436-6730
FAX: (415) 436-7169

7 Attorneys for Defendants

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 XIU FANG LUO,) No. C 08-0340 PJH
13 Plaintiff,)
14 v.) REPLY
15 MICHAEL CHERTOFF, Secretary,)
Department of Homeland Security; et al.,)
16 Defendants.)
17 _____)

18 On June 9, 2008, Defendants moved the Court to remand this action to the United States
19 Citizenship and Immigration Services. Elec. Dkt. No. 18. Defendants noticed July 23, 2008, for a
20 hearing. Under Local Rules, Plaintiff's opposition to the motion was due on July 2, 2008, twenty-
21 one days prior to the hearing. Civ. L.R. 7-3(a). Plaintiff has filed no opposition. Accordingly,
22 Defendants respectfully request to Court to dismiss this action, with prejudice.

23 Dated: July 7, 2008 Respectfully submitted,

24 JOSEPH P. RUSSONIELLO
United States Attorney

25 _____/s/
26 MELANIE L. PROCTOR
Assistant United States Attorney
27 Attorneys for Defendants

28
REPLY
No. C 08-0340 PJH

CERTIFICATE OF SERVICE

Xiu Fang Luo v. Michael Chertoff, et al.
C 08-0340 PJH

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

Reply

to be served this date upon the party(ies) as follows:

FIRST CLASS MAIL by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

PERSONAL SERVICE (BY MESSENGER) I caused such envelope to be delivered by hand to the person or offices of each addressee below.

FACSIMILE (FAX) Telephone No.: _____ I caused each such document to be sent by facsimile to the person or offices of each addressee below.

FEDERAL EXPRESS

CERTIFIED MAIL

BY E-MAIL I caused each such document to be sent by e-mail to the person or offices of each addressee below.

to the party(ies) addressed as follows:

Xiu Fang Luo, Pro Se
63 Mercury Street
San Francisco, California 94124

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 7, 2008 at San Francisco, California.

/s/
CAROL E. WEXELBAUM
Legal Assistant